IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1162 OF 2005

Kanubhai Hariram Sagar ... Petitioner

V/s

1 State of Maharashtra &

Others ... Respondents

Mr.Vivek Kantawala with Ms.Apeksha Vora i/b M/s Kantawala & Co. for petitioner
Miss Baiga holding for Mr. S.I.Menon for respondent No.2
Mr. S.V. Gajare, A.P.P. for the State.

Coram : V.K. Tahilramani,J.
Date : 14th June 2005.

P.C. :

1 Heard the learned advocate for the petitioner,respondent No.2 and the learned A.P.P. for the State.

2 The petitioner has prayed for quashing of process issued against him in criminal case no.931/S/2002 which is pending in the court of learned Metropolitan Magistrate,21st Court at Bandra.In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act.

3 For the reasons recorded in my order dated 8th June 2005 passed in criminal application No.645 of 2005 and order dated 13th June 2005 passed in criminal writ petition No.213 of 2005, the petitioner has remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4 Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court.

5 On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6 Criminal writ petition is disposed of.

(V.K.Tahilramani,J.)